

REMARKS

Introduction

Claims 11-13, 16-18, 25 and 27-28 are pending. Claim 11 has been amended and claims 27 and 28 have been newly added. Support for this amendment and the new claims can be found throughout the specification, for example, in the claims as filed, and paragraphs [0024]-[0028].

Applicants note that new claims 27 and 28 have been written into independent form from previously examined dependent claims 17 and 18 pursuant to the Examiner's suggestion that such claims would be allowable in the Office Action at page 6. No new search is believed to be required and Applicants respectfully request that they be entered into the record at this time.

Claims 1-10, 14-15, 19-24 and 26 are cancelled without prejudice to the subject matter disclosed therein. Applicants expressly reserve the right to pursue the cancelled claims in this application or in another application.

Rejection under 35 U.S.C. §102

The Examiner has rejected claims 11, 12, 16, and 25 under 35 U.S.C. §102(b) as allegedly being anticipated by WO 9855508 A2 (the '508 publication). Applicants traverse.

To expedite prosecution, independent claim 11 has been amended to replace the term "having" with the term "consisting of." The Examiner notes that the '508 publication does not teach a polypeptide consisting of the amino acid sequence of SEQ ID NO: 1 as is now claimed. Office Action at pg. 4. Accordingly, the current rejection based on interpreting the term "having" as meaning "comprising" is now moot and its withdrawal is respectfully requested.

CONCLUSION

Applicants believe that the present application is in condition for allowance. Accordingly, Applicants request that the Examiner issue a Notice of Allowance indicating the allowability of the claims and that the application be passed to issue. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

The Commissioner is authorized to charge any deficiency in any patent application processing fees pursuant to 37 CFR §1.17, including extension of time fees pursuant to 37 CFR §1.17(a)-(d), associated with this communication and to credit any excess payment to Deposit Account No. 22-0261.

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Respectfully submitted,

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